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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,485

09/15/2005

Dickory Rudduck

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TELEZYGOLOGY, INC.
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EXAMINER

MILLER, WILLIAM L

ART UNIT

PAPER NUMBER

3677

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DELIVERY MODE

06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,485	Applicant(s) RUDDUCK ET AL.	
	Examiner William L. Miller	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-148 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-56, 65-92, 101-127 and 136-148 is/are rejected.
- 7) ☐ Claim(s) 57-64, 93-100 and 128-135 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051201</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species II, Figs. 12-18, claims 47-148, in the reply filed on 04-02-2009 is acknowledged.

Claim Objections

2. Claim 131 is objected to because of the following informalities:
3. claim 131, line 1, change "120" to --128--.
4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 47, 48, 50, 51, 54-56, 65, 66, 68-72, 75, 84, 86, 87, 90-92, 101, 102, 104, 105, and 111 are rejected under 35 U.S.C. 102(b) as being anticipated by Sansone et al. (US#6028517).

7. Regarding claims 47 and 75, Sansone discloses a closure 28 for a compartment 12 having one or more walls and an opening defined by at least one of the walls, the closure being associated with at least one fastener (lock element) located inside the compartment and adapted to hold the closure in a first position relative to the opening, the fastener being adapted to cause the closure to assume a second position relative to the opening upon receipt of a suitable signal (electronic lock, col. 4, line 1), wherein the closure comprises at least one indicium 18 visible

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from outside the compartment and adapted to provide a visual indication of a status of the closure or the compartment.

8. Regarding claim 48, 84, and 111, Sansone discloses a closure 28 for a compartment 12 having one or more walls and an opening defined by at least one of the walls, the closure being associated with at least one fastener (lock element) located inside the compartment and adapted to hold the closure in a first position relative to the opening, the fastener being adapted to cause the closure to assume a second position relative to the opening upon receipt of a suitable signal (electronic lock, col. 4, line 1), wherein the fastener comprises means for communicating 38,48 to a remote device 50 information relating to the closure, the compartment or contents of the compartment.

9. Regarding claims 50, 51, 86, and 87, the compartment is a mail box with an internal opening (interior) for mail.

10. Regarding claims 54 and 90, the first position is a closed position.

11. Regarding claims 55 and 91, the fastener holds in the first position without energy input.

12. Regarding claims 56 and 92, the second position is an open position.

13. Regarding claims 65 and 101, the fastener releases the closure in the second open position. The closure, as any mass, will fall under the influence of gravity.

14. Regarding claims 66 and 102, pressure on the closure will move the closure from the second open position to the first closed position.

15. Regarding claims 68, 69, 104, and 105, the fastener (lock element) inherently defined by an element on the closure cooperating with an element on a wall of the compartment.

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16. Regarding claims 70-72, the indicium includes a light emitting diode operably linked to the fastener for indicating the position of the closure, e.g. see S1 (col. 4, lines 39-45).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 49, 67, 77, 79, 80, 85, 103, 113, 115, 116, 120-122, 125-127, 136-142, 144, and 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al.

19. Regarding claim 120, Sansone discloses a closure 28 for a compartment 12 having one or more walls and an opening defined by at least one of the walls, the closure being associated with at least one fastener (lock element) located inside the compartment and adapted to hold the closure in a first position relative to the opening, the fastener being adapted to cause the closure to assume a second position relative to the opening upon receipt of a suitable signal (electronic lock, col. 4, line 1), the fastener is addressable and the signal is provided by means external to the compartment (hotel-type door electronic lock using key card) and capable of addressing the fastener.

20. Regarding claims 49, 77, 85, 113, and 120, although Sansone discloses a single compartment and fastener as opposed to an array of compartments with respective fasteners, it would have been an obvious design consideration to modify Sansone by including an array (plurality) of compartments with respective fasteners, as duplicating the components of a prior

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art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

21. Regarding claim 67, 79, 80, 103, 115, 116, 138, 141, 144, and 145, although Sansone discloses a single fastener for the closure as opposed to two or more fasteners for the closure, it would have been an obvious design consideration to modify Sansone by including a plurality of fasteners as duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Regarding claims 79, 80, 115, 116, 144, and 145, the multiple fasteners would be connected in series and addressable as part of a group.

22. Regarding claims 121 and 122, the compartment is a mail box with an internal opening (interior) for mail.

23. Regarding claim 125, the first position is a closed position.

24. Regarding claim 126, the fastener holds in the first position without energy input.

25. Regarding claim 127, the second position is an open position.

26. Regarding claim 136, the fastener releases the closure in the second open position. The closure, as any mass, will fall under the influence of gravity.

27. Regarding claim 137, pressure on the closure will move the closure from the second open position to the first closed position.

28. Regarding claims 139 and 140, the fastener (lock element) inherently defined by an element on the closure cooperating with an element on a wall of the compartment.

29. Regarding claim 142, the fastener is "encrypted" as it requires a unique signal to activate.

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30. Claims 52, 53, 88, 89, 123, and 124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al. in view of White.

31. Regarding claims 52, 53, 88, 89, 123, and 124, Sansone fails to disclose the closure being hinged with a slot as claimed by the applicant. White discloses a similar mailbox wherein the closure 19 is hinged at 18 and includes a slot 21. Therefore, as taught by White, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sansone such that the closure was hinged and included a slot to enhance operational capabilities of the mailbox.

32. Claims 73, 74, 109, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al. in view of Dutta et al. (US#6995671).

33. Regarding claims 73, 74, 109, and 110, Sansone fails to disclose the remote device as a computer receiving an email or a phone receiving a text message. Dutta discloses a similar mailbox wherein the remote device is a computer receiving an email or a mobile phone receiving a text message (col. 6, lines 4-11). Therefore, as taught by Dutta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sansone such that the remote device functions as a computer receiving an email or a phone receiving a text message to enhance notification capabilities of the mailbox.

34. Claims 76, 78, 81-83, 106-108, 112, 114, 117-119, 143, and 146-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone et al. in view of Shannon (US#2001/0045449).

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35. Regarding claims 76 and 106-108, Sansone fails to disclose means for reading identifying indicia. Shannon discloses a similar mailbox including means for reading 56 identifying indicia (see [0034]). Therefore, as taught by Shannon, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sansone by including means for reading identifying indicia to enhance the operational capabilities of the mailbox. Regarding claims 107 and 108, the information “relates” to the status of the closure or compartment as the means for reading governs opening of the mailbox.

36. Regarding claims 78, 114, and 143, Sansone fails to disclose a smart card reader. Shannon discloses a similar mailbox including a smart card reader 56 (see [0034]). Therefore, as taught by Shannon, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sansone by including a smart card reader to enhance the operational capabilities of the mailbox.

37. Regarding claims 81-83, 117-119, and 146-148, the smart card reader taught by Shannon is capable of deducting a fee and the smart card is capable of operating as a credit card.

Allowable Subject Matter

38. Claims 57-64, 93-100, and 128-135 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

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40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Miller/
Primary Examiner, Art Unit 3677